

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

Russell L. Lichtenstein, Esquire
4996

COOPER LEVENSON APRIL NIEDELMAN & WAGENHEIM, P.A.

1125 Atlantic Avenue - 3rd Floor

Atlantic City, NJ 08401

(609) 344-3161

File No.: 51154.22

Attorney for Defendant, Marina District Development Company, LLC d/b/a Borgata Hotel
Casino & Spa

JOHAN DANIYAN,

Plaintiff,

vs.

BORGATA HOTEL CASINO,

Defendant.

:
: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION
: ESSEX COUNTY
:
: DOCKET NO.: 5100-06
:
: Civil Action
:
: **NOTICE OF REMOVAL**
:

TO: The Honorable Judges of the United States District Court, For the District of New Jersey:

Marina District Development Company, LLC d/b/a Borgata Hotel Casino & Spa
(improperly named in the Complaint as Borgata Hotel Casino) by and through their counsel,
Russell Lichtenstein, Esquire of the Law Firm of Cooper Levenson April Niedelman &
Wagenheim, P.A., hereby says as follows:

1. Marina District Development Company, LLC d/b/a Borgata Hotel Casino & Spa, improperly
named in the Complaint as Borgata Hotel Casino, is the defendant in the above entitled
action;

2. On April 27, 2007, an amended Complaint in the above-entitled matter was filed against the moving party in the Superior Court of New Jersey, Law Division, Essex County bearing Docket Number L-5100-06 and is still pending therein;
3. Marina District Development Company, LLC d/b/a Borgata Hotel Casino & Spa first learned of the existence of this action when it was served with the Summons and Complaint on or about May 18, 2007.
4. The Amended Complaint in this matter was served upon defendant at their only place of business in the State of New Jersey located in the City of Atlantic City, County of Atlantic, State of New Jersey.
5. No Answer has been filed to this Amended Complaint in the State Court action and no further proceedings have occurred in the State Court action.
6. In the State Court action, plaintiff has alleged, *inter alia*, a claim under the Americans with Disabilities Act, (42 U.S.C. §12101 et seq. A copy of the Amended Complaint has been attached hereto as Exhibit "A".
7. The allegations of plaintiff's Complaint, therefore, give rise to a federal question and give this Court original jurisdiction pursuant to 28 U.S.C. §1331;
8. This Notice is filed with this Court within thirty (30) days after defendant's first notice of this claim by way of receipt of copy of the Amended Complaint;
9. This Notice has been prepared and is served pursuant to the provisions of 28 U.S.C. §1441 et seq.

WHEREFORE, removing party, Marina District Development Company, LLC d/b/a Borgata Hotel Casino & Spa (improperly named in the Complaint as Borgata Hotel Casino) requests that the above entitled action be removed from the Superior Court of New Jersey, Essex County, to the United States District Court for the District of New Jersey, Camden Vicinage.

COOPER LEVENSON APRIL NIEDELMAN &
WAGENHEIM, P.A.

DATED: June 12, 2007

By: /s/ *Russell L. Lichtenstein*
Russell L. Lichtenstein (4996)
Attorneys for Defendant,
Marina District Development Company,
LLC d/b/a Borgata Hotel Casino & Spa

CLAC; 116638.1